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NASA Policy Directive

NPD 3713.2LEffective Date: March 07, 2022
Expiration Date: March 07, 2027**COMPLIANCE IS MANDATORY FOR NASA EMPLOYEES**[Printable Format \(PDF\)](#)

Subject: Federal EEO Programs of NASA

Responsible Office: Office of Diversity and Equal Opportunity

NPS 3713-94A NASA Policy Statement on Diversity, Equity, Inclusion, and Accessibility for NASA's Workforce and Workplaces.

1. POLICY

- a. It is NASA's policy to provide equal employment opportunity (EEO) for all employees and applicants for employment regardless of race, color, national origin, sex (including pregnancy, sexual orientation, gender identity, and caregiving responsibilities), religion, age, disability, genetic information (including family medical history), or status as a parent. Pursuant to this policy, NASA prohibits discrimination on these bases in the workplace and the Agency's employment practices, to include sexual harassment and sex stereotyping. NASA strives to provide and maintain a work environment that is free of all forms of discrimination, including discriminatory harassment, as well as reprisal or retaliation for engaging in protected EEO activity. NASA also seeks to address harassing conduct at the earliest possible stage before it can become severe or pervasive.
- b. It is also NASA's policy to promote the full realization of EEO through a continuing effort to establish and maintain a "Model EEO Agency," as required under the U.S. Equal Employment Opportunity Commission's (EEOC) Management Directive (MD) 715 and EEOC MD 110.
- c. This Directive establishes policy for NASA's implementation of Model EEO Agency plans. MD 715 provides policy guidance and standards for establishing and maintaining effective affirmative programs of EEO under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-16 et seq. and related antidiscrimination laws. NPD 3713.6 Delegation of Authority to Act in Matters Pertaining to Discrimination Complaints, 29 CFR pt. 1614, as revised September 24, 2021, provides Federal agencies with EEOC policies, procedures, and guidance relating to the processing of employment discrimination complaints, the effectiveness and efficiency of which are considered a key part of a Model EEO Agency. NASA is fully committed to implementing all Federal laws, regulations, and EEOC guidance relative to the development of Model EEO Agency plans and annual of accomplishments against those plans. It is NASA's policy to provide Reasonable Accommodations for Employees with Disabilities, NPD 3713.8, Provision of Reasonable Accommodation for Individuals with Disabilities Policy, and as delineated in NPR 3713.1, Reasonable Accommodations Procedures for Individuals with Disabilities.
- d. This Directive establishes policy for NASA's Model EEO strategies and employment processes. Pursuant to MD 715, NASA's efforts to be a model Agency for EEO include identification of and strategies to address challenges to EEO in any aspect of Agency policies, programs, or practices including, but not limited to, outreach and recruiting, hiring, promoting, training, awareness, and facilities and program accessibility. Model EEO Agency efforts also include monitoring of strategies and employment practices in the areas of hiring, transfers, reassignments, promotions, awards, benefits, and separations. These efforts serve to help attract, gain, and maintain a talented NASA workforce that is reflective of the Nation's demographic diversity.
- e. This Directive establishes policy for NASA's proactive approach to preventing discrimination, consistent with MD 715. NASA's proactive programs provide the workforce with both additional avenues of redress for addressing workplace conflict, NPR 3713.2, Alternative Dispute Resolution in Discrimination Complaints, 29 CFR pt. 1614.,

harassment, NPR 3713.3, Anti-Harassment Procedures, and education and awareness opportunities regarding equal opportunity (EO) and diversity.

f. This Directive establishes policy for Special Emphasis Programs (SEPs), that are a vital component of a Model EEO Agency program. SEPs are required pursuant to Federal regulations and Executive Orders and are intended to assist in efforts to advance opportunities and engage all members of the workforce, including those from historically underserved and underrepresented groups in American society. NASA has designated seven SEPs: the African American/Black Program, Hispanic Employment Program, Federal Women's Program, Asian American/Pacific Islander Program, American Indian/Alaskan Native Program, Lesbian/Gay/Bisexual/Transgender/and Queer Program, and the Disability Employment Program. NASA remains committed to robust SEPs as a means of attracting and advancing a more demographically diverse workforce. Roles and responsibilities of SEPs include, but are not limited to, advice and education, workforce interface and integration, monitoring and workforce analysis, community outreach and recruitment, and measuring Agency EO Performance.

2. APPLICABILITY

a. This directive is applicable to NASA Headquarters and NASA Centers, including Component Facilities and Technical and Service Support Centers. This Directive applies to the Jet Propulsion Laboratory (JPL) (a Federally Funded Research and Development Center (FFRDC)) and other contractors only to the extent specified or referenced in applicable contracts.

b. In this directive, all mandatory actions (i.e., requirements) are denoted by statements containing the term "shall." The terms: "may" or "can" denote discretionary privilege or permission, "should" denotes a good practice and is recommended, but not required, "will" denotes expected outcome, and "are/is" denotes descriptive material.

c. In this directive, "NASA directives" refers to both Agency-level and Center-level directives.

d. In this directive, all document citations are assumed to be the latest version unless otherwise noted.

e. This directive is applicable to NASA directives developed or revised after the effective date of this NASA Policy Directive (NPD).

3. AUTHORITY

a. Notification and Federal Employee Antidiscrimination and Retaliation Act (NO Fear Act) of 2002, 5 U.S.C. § 2301 note.

b. Equal Pay Act of 1963, as amended, 29 U.S.C. § 206(d).

c. Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 621 et seq.

d. Rehabilitation Act of 1973, as amended, 29 U.S.C. § 791 et seq.

e. Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-16 et seq.

f. Civil Rights Act of 1991, 42 U.S.C. § 1981a.

g. Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff et seq.

h. Further Amendment to Executive Order 11478, Equal Employment Opportunity in the Federal Government, E.O. 13087, 3 CFR 191 (1998).

i. Equal Employment Opportunity in the Federal Government, E.O. 11478, as amended, 3 CFR 803 (1966-1970).

j. Further Amendment to Executive Order 11478, Equal Employment Opportunity in Federal Government, E.O. 13152, 3 CFR 264 (2001).

k. Transfer of Certain Equal Opportunity Enforcement Functions, E.O. 12106, as amended, 3 CFR 263 (1978-1979).

l. NPD 1000.3, The NASA Organization.

4. APPLICABLE DOCUMENTS AND FORMS

a. Equal Employment Opportunity Commission Management Directive 715.

b. Equal Employment Opportunity Commission Management Directive 110.

c. NPD 3713.6, Delegation of Authority to Act in Matters Pertaining to Discrimination Complaints, 29 CFR pt. 1614.

- d. NPD 3713.8, Provision of Reasonable Accommodation for Individuals with Disabilities Policy.
- e. NPR 3713.1, Reasonable Accommodations Procedures for Individuals with Disabilities.
- f. NPR 3713.2, Alternative Dispute Resolution in Discrimination Complaints, 29 CFR pt. 1614.
- g. NPR 3713.3, Anti-Harassment Procedures.

5. RESPONSIBILITY

a. Senior Agency leadership, including the Administrator, Deputy Administrator, Associate Administrator, and other Officials-in-Charge of Headquarters Offices and Center Directors will:

(1) Exercise personal leadership in establishing, maintaining, and implementing a continuing EEO program to promote EEO in every aspect of Agency human capital policy and practice in the employment, development, advancement, and treatment of employees.

(2) Be held accountable for maintaining an environment in which equality of opportunity can flourish within their programs, missions, or organizations; for adhering to and helping to advance NASA's Model EEO Agency Plan goals and objectives; and for helping to implement and holding employees accountable for adhering to NASA non-discrimination policies and procedures.

b. In consultation with Center Directors, the principal Diversity and Equal Opportunity official at each Center is responsible for the development and implementation of Center Model EEO plans and programs through leadership, advocacy, promotion of employee engagement, and efforts to promote diversity, equity, inclusion, and accessibility.

c. The Associate Administrator for Diversity and Equal Opportunity (AA, ODEO) will advise and take the required actions in accordance with NPD 1000.3, The NASA Organization and other relevant policies, including, but not limited to, NPD 3713.6; NPR 3713.2; NPR 3713.3; NPD 3713.8; NPR 3713.1; and this NASA EEO Policy Statement.

d. NASA managers and supervisors will be responsible for implementing this policy. Performance planning and the annual appraisal process will include any general and/or specific requirements (from the Model EEO Agency Plan, related policies, and respective Center Model EEO Plans) for implementing the policy.

e. NASA employees are responsible for adhering to NASA's nondiscrimination and anti-harassment policies. All employees are also required to adhere to the Agency's standards of conduct with respect to EEO in the workplace.

6. DELEGATION OF AUTHORITY

The Associate Administrator for Diversity and Equal Opportunity (AA, ODEO) and NASA's Chief Diversity Officer (CDO) is delegated the authority for:

- a. Establishing and maintaining effective affirmative programs of EEO under Federal anti-discrimination laws.
- b. Ensuring, in strategic partnership with key stakeholders, such as the Offices of STEM Engagement, General Counsel, and the Chief Human Capital Officer, that NASA meets all requirements relative to the NASA Model EEO Agency Plan and related Agency policies and programs.
- c. Submitting all required annual plans and accomplishment reports on behalf of the Agency, as appropriate.

7. MEASUREMENT/VERIFICATION

a. The AA, ODEO, or the CDO will monitor progress, evaluate results, initiate corrective actions, and periodically report outcomes of EEO processes to external oversight agencies, such as the EEOC, Department of Justice, and Office of Personnel Management (OPM), as well as NASA senior leadership. The AA, ODEO, will communicate relevant information regularly to stakeholders at the Agency and Center levels.

b. NASA submits the following annual plans and accomplishment reports:

(1) NASA's Model EEO Agency Plan to the EEOC. This plan required pursuant to MD 715, includes an accomplishment report, required annually.

(2) The Agency's NO Fear Act Report. This report is required annually. It is provided to the EEOC, Department of Justice, and Congress.

(3) Federal Employment Diversity (FED) Tool Report to the OPM. This reflects NASA's affirmative employment plans

and accomplishment reports relative to recruitment, hiring, placement, and advancement of various underrepresented groups. The FED Tool Report requires Federal agencies to consolidate reporting requirements from various Federal programs, including disabled veteran employees, particularly with 30 percent or more disability; employees with disabilities and targeted disabilities; Hispanic employees; and interns.

8. CANCELLATION

NPD 3713.2J, Federal EEO Programs of NASA, dated February 25, 2016.

/s/ Bill Nelson
Administrator

ATTACHMENT A: (TEXT)

Attachment A. Acronyms

AA, ODEO Associate Administrator for Diversity and Equal Opportunity

CDO Chief Diversity Officer

CFR Code of Federal Regulations

E.O. Executive Order

EO Equal Opportunity

EEO Equal Employment Opportunity

EEOC Equal Employment Opportunity Commission

FED Federal Employment Diversity

FFRDC Federally Funded Research and Development Center

JPL Jet Propulsion Laboratory

MD Management Directive

NO Fear Notification and Federal Employee Antidiscrimination and Retaliation Act

NPD NASA Policy Directive

NPR NASA Procedural Requirements

OPM Office of Personnel Management

SEPs Special Emphasis Programs

U.S.C. United States Code

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